

1 WILLIAM A. ISAACSON (*Pro hac vice*)
2 wisaacson@paulweiss.com
3 JESSICA PHILLIPS (*Pro hac vice*)
4 jphillips@paulweiss.com
5 PAUL, WEISS, RIFKIND, WHARTON &
6 GARRISON LLP
7 2001 K Street, NW
8 Washington, DC 20006

9 DONALD J. CAMPBELL (No. 1216)
10 djc@campbellandwilliams.com
11 J. COLBY WILLIAMS (No. 5549)
12 jcw@campbellandwilliams.com
13 CAMPBELL & WILLIAMS
14 700 South 7th Street
15 Las Vegas, NV 89101

CHRISTOPHER S. YATES (*Pro hac vice*)
chris.yates@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111

SEAN M. BERKOWITZ (*Pro hac vice*)
sean.berkowitz@lw.com
LATHAM & WATKINS LLP
330 North Wabash Ave, Suite 2800
Chicago, IL 60611

LAURA WASHINGTON (*Pro hac vice*)
laura.washington@lw.com
LATHAM & WATKINS LLP
10250 Constellation Blvd, Suite 1100
Los Angeles, CA 90067

*Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC*

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 Cung Le, Nathan Quarry, Jon Fitch,
19 Brandon Vera, Luis Javier Vazquez,
20 and Kyle Kingsbury on behalf of
21 themselves and all others similarly
22 situated,

23 **Plaintiffs,**

24 **v.**

25 Zuffa, LLC, d/b/a Ultimate Fighting
26 Championship and UFC,

27 **Defendant.**
28

Case No.: 2:15-cv-01045-RFB-(BNW)

**ZUFFA, LLC'S MOTION
REGARDING TRIAL CONFLICT**

1 Defendant Zuffa, LLC (“Zuffa”) respectfully files this motion to ask this Court to address
2 a scheduling conflict of undersigned counsel.

3 The undersigned counsel is also lead trial counsel in a case in the District of Delaware
4 (the “Delaware case”) that was filed on January 29, 2015, and has been pending for over nine
5 years. *International Construction Products LLC v. Caterpillar Inc.*, C.A. No. 15-108-RGA-SRF
6 (D. Del.). On May 2, 2023, the Delaware District Court set the Delaware case for trial on April
7 5, 2024. *Id.* (ECF No. 532, ¶ 10). On January 19, 2024, this Court scheduled a four-week trial
8 in *Le* also to begin on April 15, 2024. (ECF No. 960, Hr’g Tr. at 13-14.)

9 The undersigned counsel notified the Court of this conflict on three separate occasions:
10 first, at an August 21, 2023 case management conference (Hr’g Tr. at 33, ECF No. 846); again in
11 writing in a September 29, 2023 filing (ECF No. 861); and then again, during a November 21,
12 2023 motion hearing (Hr’g Tr. at 64, ECF No. 931). At the November 21 hearing, this Court
13 orally denied Zuffa’s Motion to Reopen Discovery and Amend Scheduling Order (ECF No. 884;
14 ECF No. 931).

15 The undersigned counsel recognizes that this Court already has denied this request.
16 Accordingly, the undersigned counsel has been and continues to prepare for the *Le* trial to
17 commence on the April 15, 2024 trial date set by the Court on January 19, 2024. And in an
18 effort to avoid the scheduling conflict, the undersigned will also be filing a motion in the
19 Delaware action. With the Delaware case set for trial on April 5, 2024, it would be impossible
20 for the undersigned counsel to attend pretrial proceedings for both trials, and it would be
21 impossible to effectively prepare to try that case while the undersigned counsel is in trial in this
22 case. It would be highly prejudicial to Zuffa if it were required to try this matter without the
23 undersigned counsel, its chosen counsel.

24 This Court expressed a willingness to confer with the Honorable Richard G. Andrews—
25 the judge presiding over the Delaware case—to discuss the conflicting trial dates, which would
26 assist the involved parties come to a resolution on this issue. (Hr’g Tr. at 64, ECF No. 931.)

27 For the foregoing reasons, Defendant Zuffa respectfully requests that the Court strike the
28 trial currently set for April 15, 2024, and enter an Order in the discretion of the Court resetting

the trial to a date that accommodates all parties and allows undersigned counsel to fully participate in the upcoming *Le* trial.

DATED this twentieth day of February, 2024.

Dated: February 20, 2024

Respectfully Submitted,

CHRISTOPHER S. YATES (*Pro hac vice*)
chris.yates@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Tel: (415) 395-8095

/s/ William A. Isaacson
WILLIAM A. ISAACSON (*Pro hac vice*)
wisaacson@paulweiss.com
JESSICA PHILLIPS (*Pro hac vice*)
jphillips@paulweiss.com
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006

SEAN M. BERKOWITZ (*Pro hac vice*)
sean.berkowitz@lw.com
LATHAM & WATKINS LLP
330 North Wabash Ave, Suite 2800
Chicago, IL 60611

BRETTE M. TANNENBAUM (*Pro hac vice*)
btannenbaum@paulweiss.com
YOTAM BARKAI (*Pro hac vice*)
ybarkai@paulweiss.com
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019

DAVID L. JOHNSON (*Pro hac vice*)
david.johnson@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004

DONALD J. CAMPBELL (No. 1216)
djc@campbellandwilliams.com
J. COLBY WILLIAMS (No. 5549)
jcw@campbellandwilliams.com
CAMPBELL & WILLIAMS
700 South 7th Street
Las Vegas, Nevada 89101
Tel: (702) 382-5222

*Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that service of the foregoing Motion Regarding Trial Conflict was served on February 20, 2024 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ William A. Isaacson
William A. Isaacson